

DOCUMENT RESUME

03303 - [A2313445]

[Request for Reconsideration of Denial of Protest to Contract Award]. B-187645. August 17, 1977. 3 pp.

Decision re: Bunker Ramo Corp.; by Robert P. Keller, Deputy Comptroller General.

Issue Area: Federal Procurement of Goods and Services (1900).  
Contact: Office of the General Counsel: Procurement Law II.  
Budget Function: National Defense; Department of Defense -  
Procurement & Contracts (058).  
Organization Concerned: Datacom, Inc.; Department of the Navy:  
Navy Underwater Tracking Range, St. Croix, VI.  
Authority: A.S.P.R. 3-805.3. 4 C.F.R. 20.10. B-169490 (1976).

Reconsideration was requested of denial of a protest to a contract award which alleged inconsistency in solicitation evaluation criteria and auction techniques prohibited by regulations. Since the protester did not indicate any error of fact or law in the prior decision, reconsideration was denied.  
(HTW)

3445

03303



*M. J. ...*  
*Page II*

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**DECISION**

**FILE:** B-187645

**DATE:** August 17, 1977

**MATTER OF:** Bunker Ramo Corporation--Request for  
Reconsideration

**DIGEST:**

Request for reconsideration is denied where protester merely reiterates its prior arguments and does not indicate any error of fact or law in prior decision.

By letter dated June 28, 1977, Bunker Ramo Corporation (BR) requests reconsideration of our decision, B-187645, June 15, 1977, 56 Comp. Gen. \_\_\_\_\_, 77-1 CPD 427, which denied its protest of the award of a contract to Datacom, Inc. for a Data Gathering and Processing System at the Navy Underwater Tracking Range, St. Croix, Virgin Islands, under request for proposals (RFP) No. N00406-76-R-0378, issued on May 11, 1976.

The major thrust of BR's protest was that Navy's decision to award to Datacom on the basis of price was inconsistent with the RFP evaluation criteria which stressed technical superiority. Also, BR asserted that the Navy's request for second best and final offers constituted an auction technique prohibited by ASPR § 3-805.3 (c). We held that there had been no deviation from the evaluation criteria because the competitive proposals were regarded as essentially equal and that under those circumstances cost, although designated as the least important factor, may become the determinative factor in award selection. We also found that the request for second best and final offers did not constitute an auction technique. We also did not agree with the protester's contention that there was a misuse of appropriated funds and that the award was made "in anticipation of deficient performance."

The request for reconsideration is based on the argument that our prior decision did not completely address the alleged deficiencies in the procurement and did not address at all the area of cost realism, a determination of which was assertedly not made with respect to the winning proposal.

We do not agree with BR's contention. After carefully considering BR's request, we find that it essentially reiterates the arguments previously made and that BR has not presented evidence demonstrating any error of fact or law in the original decision.

B-187645

Accordingly, we find that there is no basis for our reconsidering this matter. See Jack E. Wells, B-169490, February 3, 1976; 4 C.F.R. § 20.10 (1977).

With respect to the cost realism, BR's concern appears to be directed solely toward certain deficiencies in the Datacom proposal with respect to the area of integrated logistics support (ILS). BR asserts that those deficiencies are "so great that they do not demonstrate sufficient understanding to provide the basis for realistic pricing of a proposal." BR further asserts that the Navy's estimate of \$35,000 as the cost of necessary administrative effort during contract performance to assist the contractor to overcome its weaknesses in the ILS area "was lacking in realism."

Although we did not explicitly refer to "cost realism" in the prior decision, we did in fact discuss it. As defined in the solicitation, cost realism pertains to "the offeror's ability to project costs which are reasonable and which indicate that the offeror understands the nature of the work to be performed." In the decision we stated:

"The Navy's further conclusion that those deficiencies in the ILS area, rather than indicating a fundamental weakness in Datacom's proposal, were of the kind that could be handled administratively after award, is also uncontradicted by the record. Thus, we cannot say that the Navy's overall conclusion that the point scores did not indicate an advantage warranting the expenditure of an additional \$324,000 because the competing proposals were essentially technically equal is without a rational basis."

The clear import of this language is that the record showed only that even though the proposal was viewed as somewhat deficient in the ILS area, it was not deficient in the sense that it indicated that Datacom did not understand the nature of the work to be performed. That being the case, and in view of the thrust of the BR allegation, we saw no need to dwell on the subject of cost realism. Neither did we see any need to explicitly discuss the "realism" of the Navy's \$35,000 estimate since that was a matter for the Navy to determine and there was nothing of record, other than BR's general challenge to the accuracy of the estimate, to indicate that the estimate was in any way faulty.

B-187645

Our prior decision is affirmed.

Deputy

*R. F. K...m*  
Comptroller General  
of the United States